

Kenya Society of Physiotherapists

CODE OF CONDUCT AND ETHICS

July 2009

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1**ABBREVIATIONS**

APSEA	- Association of Professional Societies in East Africa
KACC	- Kenya Anti-Corruption Commission
KSP	- Kenya Society of Physiotherapists
MOH	- Ministry of Health
NEC	- National Executive Council
NEO	- National Executive Officials

ACKNOWLEDGEMENT

This letter is an official acknowledgement of the excellent work the Kenya Anti Corruption Commission (KACC) as an organization has done in helping the Kenya Society of Physiotherapists (KSP) develop a Code of Conduct for its members. On behalf of the entire Physiotherapy community in Kenya and especially those who embrace professionalism, I commend KACC and its entire staff for the work well done.

In steering the entire process of developing and printing the Code of Conduct, KACC has proven to be of great value to our institution and to our members. These efforts were not in vain as they are very well aligned with the Public Officer Ethics Act currently in force of which physiotherapists are not impervious to.

Working with the KACC during the development of the code allowed us as professionals to concentrate on key aspects that were crucial and relevant to the profession without in any way compromising or contradicting our constitution or standards. It is with extreme pleasure therefore that I write this acknowledgement knowing very well that the Code will enormously fortify our constitution.

In the initial stages, coming up with the Code appeared unattainable but with time and constant vigor and prodding from the Association of the Professional Associations of East Africa – APSEA and the KACC staff, the efforts started bearing fruit. Thanks to the personal assistance provided by the staff who never tired through out the period.

Lastly may I also thank the APSEA for organizing and liaising with the stake holders at every stage of the development. I appeal to other professional bodies that have not yet developed Codes of Conduct to follow suit as this will strengthen their governance procedures and effectively improve professionalism among members.

When the Code of Conduct is fully embraced by physiotherapy members, the quality of our professional services will no doubt be enhanced.

We sincerely thank KACC for a job well done and look forward to continued

professional service support, enabling us to help our professional body become more effective in enforcing the Code.

We at KSP look forward to working with APSEA and KACC and hope to continue a long and positive relationship for many years to come.



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CHAIRMAN, KENYA SOCIETY OF PHYSIOTHERAPISTS
NAIROBI-KENYA

FOREWORD

Physiotherapy services in Kenya were introduced after the Second World War to take care of the war veterans who had different kinds of injuries, disabilities and impairments. This service is one of those health specialties that plays a critical role in patient and client management.

Physiotherapy services provide intervention measures to restore integrity of body systems essential to movement, maximizing function, and recuperation to enhance the quality to life among individuals / groups of individuals with altered movement behaviours resulting from impairments, functional limitations, and disabilities. Physiotherapy in Kenya has grown to a fully fledged section in the health profession that is now respected for the outputs it provides with regards to patient and client care. With the changing world where quality care is required, it is expected that this code of conduct will be seen as a tool to help Kenya Society of Physiotherapists (KSP) and its members take their services to standards that are compliant world wide.

The Code envisages giving guidance on maintenance and enhancement of high standards of professionalism. It aims to sustain the dignity and integrity of KSP and its members. It should always be borne in mind that one hasty or ill-considered action may bring discredit to not only the physiotherapist involved, but to the whole profession.

A lot of work has been put in the development of this code. It has taken many months of tireless commitment from The Kenya society of Physiotherapists, Association of Professional Societies in East Africa (APSEA) and Kenya Anti-Corruption Commission (KACC) to develop this code of conduct. In this regard KSP would sincerely thank APSEA for their understanding and facilitatory stewardship through out this process. Secondly, KSP would to thank all its members in the civil service and the private sector who gave useful feed back during this whole process.

Last but not the least KSP would like to sincerely thank the KACC for playing a facilitatory role and guiding the process technically up to the end.. Without your technical support and encouragement from APSEA this probably would have been just a dream. Through this code the Kenya Society of Physiotherapists and its members will be expected to behave in a manner that will enhance the

honour of the profession at all times. Thank you!

Raphael O. Owako MSC. PT
Hon Secretary General,
KENYA SOCIETY OF PHYSIOTHERAPISTS

THE KENYA SOCIETY OF PHYSIOTHERAPISTS CODE OF CONDUCT AND ETHICS

1.0 PREAMBLE

The Kenya Society of Physiotherapists (KSP) is an Association formed to regulate physiotherapy training and practice and to register qualified trained physiotherapists. The Society has a mandate to;

- a. Ensure high standards of physiotherapy practice and safeguarding its interests
- b. Organize and holding meetings for the enhancement of continued professional and organizational development
- c. Advance the knowledge and skills of members of the Society through appropriate academic curricular development.
- d. Develop strong networks and collaborations with other physiotherapy, health and professional organizations locally and internationally.
- e. Co-ordinate and publish a periodical physiotherapy journal, newsletters, and any other publication for members of the society and the general public.
- f. To do everything necessary to further the interests of the Society and the profession at large within the law.

Mission Statement

KSP works towards the development of national health by: representing the Kenya physiotherapy profession nationally and internationally; promoting high standards of physiotherapy education, practice and research; supporting communication and exchange of information among its members and the general public; and collaborating with other international and national professional organizations.

Vision

The vision of the KSP is to be a leading Society in the enhancement of training, regulation, promotion and welfare of its members and deliverance of quality physiotherapy services to its client.

Values

KSP operates with the following values:

Integrity: Upholding high standards of ethical behavior; avoiding acceptance of any gifts or hospitality where these may compromise or might reasonably appear to compromise a member's judgment or place a member under an improper obligation.

Professionalism: Providing the most professional, relevant and timely services possible, always reflecting the environment and its current needs; acknowledging and respecting our members as our highest priority; proactively and reactively undertaking our business with our members,

Excellence: Promoting the highest quality of physiotherapy service delivery; encouraging and fostering creativity in practice, leadership and in our fiscal responsibilities.

Inclusiveness: Consulting and collaborating with our stakeholders - seeking the opinions of and strong partnerships with branches, divisions, allied professionals, external advisors, staff and the public, whenever possible.

Respect: Demonstrating respect for each other, all opinions, all contributions and contributors; aspiring to fair, just and democratic treatment; operating from a starting position that we all work from a principle of "best intentions" and contribute to the best of our ability.

Diversity: Welcoming members and stakeholders from all backgrounds, regardless of race, religion, culture, ethnicity, language, age, gender or sexual orientation, reflecting the inclusive and equitable environment of the Association.

2.0 OBJECTIVES OF THE KSP CODE OF CONDUCT AND ETHICS

The objective of the Kenya Society of Physiotherapists (KSP) Code of Conduct and Ethics is to establish a general standard of professionalism and ethical behaviour for all KSP members in the public, non-governmental organizations or private practice. It aims to sustain the dignity and integrity of the physiotherapists, hallmarks which have been associated with professional

practice over many years. It assists the KSP members in ensuring that his/her conduct is always based on obligations to clients, fellow physiotherapists, health workers and other professionals, and the community. It should always be borne in mind that one hasty or ill-considered action may bring discredit to not only the physiotherapist involved, but to the whole profession.

The Ethical Principles are those which should be observed by all KSP members in the execution of all aspects of practice. A KSP member who needs guidance regarding interpretation, clarifications and application or when in doubt, shall consult a senior colleague or a member of the National Executive Committee.

PART I - PRELIMINARY

Citation

This Code may be cited as the Kenya Society of Physiotherapists Code of Conduct and Ethics

1. Definition

In this Code unless the context otherwise requires:-

“**Member**” means a member registered with the Kenya Society of Physiotherapists with the following physiotherapy skills, and relevant academic qualifications to, among other things, practice the ;

- a. Provision of health, promotion of well being of individuals and the general public.
- b. Provision of services that prevent and minimize the effects of impairments, functional limitations, and disabilities due to illness, injury and the effects of the aging process
- c. Provision of intervention measures to restore integrity of body systems essential to movement, maximizing function, and recuperation to enhance the quality of life among individuals / groups of individuals with altered movement behaviours resulting from impairments, functional limitations and disabilities.

2. Application

This Code applies to all members of the Kenya Society of Physiotherapists

PART 11 – REQUIREMENTS

3. Physiotherapy Ethical Principles

All members of the KSP shall uphold the ethical principles and respect the rights of all individuals, clients, patients, physiotherapists, and the physiotherapy profession. They shall also comply with all the requirements as set out in this Code, maintain high personal integrity, moral standards and sound reputation by subscribing to and observing this Code.

In all professional activities a member represents the profession, whose foundation is based on the ideal of service to the individual and the community, as expressed in the ethical principles. In all circumstances a member is expected to behave in a manner that will enhance the honour of the profession. These ideals are embodied in the following ethics:

- (i) Respect the rights and decorum of all individuals;
- (ii) Act in accordance with the laws and regulations governing the practice of physiotherapy in the country
- (iii) Recognize responsibility for the exercise of sound judgment
- (iv) Provide honest, competent and accountable professional services;
- (v) Be committed to providing quality services according to quality policies and objectives defined by the National Physiotherapy Association;
- (vi) Be entitled to a just and fair level of remuneration for services rendered;
- (vii) Provide accurate information to clients, to other agencies and the community about physiotherapy and the services physiotherapists provide;
- (viii) Contribute to the planning and development of services, which address the health needs of the community

4. The Rights and Dignity of All Individuals

Respect for the dignity of the individual is the cornerstone of professional practice. Therefore the relationship between a member and any recipient of

professional service or a colleague shall be one of mutual trust and respect, based on a clear recognition of the rights of all parties. The existence of honesty, tolerance and truthfulness in the relationship is implied.

5. **Rights of the Patient/Client**

A Patient/Client has;

- (i) The right to receive the best possible physiotherapy service.
- (ii) The right to be protected from over-servicing and to receive physiotherapy only as long as it is beneficial. A commitment of service, not of self-interest, may rightfully be expected from members of the physiotherapy profession.
- (iii) A right to privacy, and willingness to relinquish this should never be taken for granted. At all times the patient/client shall be treated by the physiotherapist with sensitivity and mindfulness of his/her dignity as a human being.
- (iv) A right to provision of sufficient information regarding assessment findings, treatment options and inherent or potential risks, in a manner that is understandable, such that informed consent to treatment may be given or withheld.
- (v) The right to expect to benefit from all the resources available to the physiotherapist for the best possible health care. Therefore the physiotherapist must be prepared to refer the patient/client to a more suitably qualified person, when appropriate.
- (vi) The right to self-determination and to make his or her own life decisions. This includes the right to:
 - Exercise freedom of choice in seeking and obtaining physiotherapy services/options or alternative care. A patient/client shall not be denied any request for a second physiotherapy opinion.
 - Choose to cease treatment and accept a level of disability even if further physiotherapy may improve such situation.

6. **Rights of the physiotherapist**

The member has the right to:

- (i) Professional independence and autonomy.
- (ii) Freedom from unwarranted attacks on his/her honour, reputation and competency, and the right to be advised of any written complaint of unprofessional conduct against him/her and to be given every reasonable opportunity to defend him/herself against such charges in accordance with the rules of natural justice.
- (iii) Expect co-operation from colleagues.
- (iv) Refuse to treat or intervene when, in his/her opinion, the service will not be in the best interest of the recipient.
- (v) Reasonable remuneration for professional services rendered.

7. **Rights of the profession**

The profession has the right to expect:

- (i) Loyalty of its members and to protect itself from any disrepute that may be brought by incompetent, unethical or illegal behaviour of any member.
- (ii) That its good name shall not be brought into disrepute by public argument.
- (iii) That those who teach physiotherapy have the qualifications, competence and experience to do so.
- (iv) That the practice of physiotherapy shall not be undermined by the indiscriminate teaching of physiotherapy skills to other individuals or groups.

8. **Integrity**

A member of the KSP shall be a person of integrity. He/she shall carry out his duties with honesty and impartiality.

9. Gifts, benefits, favor

A member of the KSP shall not accept gifts, benefits or favors from clients. For those members practicing in private and public institutions the issue shall be handled as stipulated in the respective policy guidelines for specific institutions with regard to gifts, benefits and favors.

KSP shall abide by the policy guidelines of the specific institutions that have them in place. For institutions or members in private practice who do not have these guidelines, they will inform KSP of the said items for guidance on how they should be handled.

In circumstances where a member/s of the society or executive receive gifts or donations on behalf of the society, such gifts and donations shall be surrendered and registered with the KSP headquarters. KSP headquarters shall give guidelines on how the items can be stored or disposed off without compromising the credibility and integrity of the Society.

10. Fees and Other Types of Remuneration

When entering into negotiations regarding professional services, Clients shall be guaranteed quality services at reasonable set charges which currently exist in public and recognized private institutions. Where an institution does not fall under any of the mentioned institutions they should seek guidance from the KSP headquarters.

11. Conflict of Interest/Misuse of Position

A member of the KSP shall not use his position or connection to attempt to gain or to confer a benefit upon others with whom he has an interest, such as family members, friends, relatives, business associates or colleagues. In the event of any real or potential conflict of interest, the same will be reported to the Society, recorded and a decision made in respect of the conflict. (See Appendix 2)

12. Nepotism/Favoritism

A member of the KSP shall not favor relatives, friends or associates in decision making or provision of services.

13. **Outside employment/ business**

A member of the KSP shall not engage in any other business or part-time employment during the employer's official working hours that may be in conflict with his/her employment.

14. **Conduct in Public**

A member of the KSP shall carry out himself in dignity both in public and private.

15. **Respect**

A member of the KSP shall not intentionally injure the professional reputation or practice of another member. However, if a member has evidence that another member has been guilty of unethical, illegal or unfair practices, including practices in violation of this code, he/she should present the information to the Kenya Society of Physiotherapists for appropriate action.

16. **Non-discrimination**

A member of the KSP shall not discriminate directly or indirectly individuals on the ground of age, gender, race, color, ethnic origin, marital status, disability or any other ground.

17. **Sexual Harassment**

A member of the KSP shall not sexually harass a member of the public or a fellow colleague/s.

18. **Workplace Harassment**

A member of the KSP shall avoid unwelcome, abusive, belittling or threatening behavior to his/her fellow colleagues.

19. **Professional Competence**

A member of the KSP **shall** maintain professional knowledge and skills

required to provide patients / clients with competent professional services and act diligently in accordance with applicable technical and professional standards required in the profession

20. Marketing Professional Services

All members of the Kenya Society of Physiotherapists in **private, non-governmental organizations/ public practice** shall not bring the profession into disrepute. All members in **public /private practice** shall be honest and truthful and shall not:

Make exaggerated claims for services offered, qualifications possessed or experience gained; or

Make disparaging references to unsubstantiated comparisons to the work of other members.

If a member in **public / private practice** is in doubt whether a proposed form of advertising or marketing is not appropriate, the member in **public / private practice** shall consult with the KSP headquarters.

21. Confidentiality

(i) Areas of confidentiality shall include:

- Use and disclosure of client and employee information
- Personal information
- Disclosure of KSP information
- Information Management and Security

(ii) A member shall maintain confidentiality even in a social environment. A member should be alert to the possibility of inadvertent disclosure, particularly in circumstances involving long association with a business associate.

(iii) A Physiotherapist shall maintain confidentiality of information disclosed by a prospective client or employer.

(iv) A member shall take all reasonable steps to ensure that staff under the member's control and persons from whom advice and assistance is obtained respect the KSP duty of confidentiality.

(v) The need to comply with the principle of confidentiality continues even after the end of relationships between a member and a client or employer.

When a member changes employment or acquires a new client, the member is entitled to use prior experience. The member shall not, however, use or disclose any confidential information either acquired or received as a result of a professional or business relationship.

- (vi) The following are circumstances where **members are or may be required** to disclose confidential information or when such disclosure may be appropriate:
- a. Disclosure is permitted by law and is authorized by the client or the employer;
 - b. Disclosure is required by law, for example:
 - c. Production of documents or other provision of evidence in the course of legal proceedings; or
 - d. Disclosure to the appropriate public authorities of infringements of the law that come to light; and
- (vii) There is a professional duty or right to disclose, when not prohibited by law:
- a. To comply with the quality review of a member body or professional body;
 - b. To respond to an inquiry or investigation by a member body or regulatory body;
 - c. To protect the professional interests of a KSP member .in legal proceedings; or
 - d. To comply with technical standards and ethics requirements.
- (viii) In deciding whether to disclose confidential information, a **member** should consider the following points:
- a. Whether the interests of all parties, including third parties whose interests may be affected, could be harmed if the client or employer consents to the disclosure of information by the professional.
 - b. Whether all the relevant information is known and substantiated, to the extent it is practicable; when the situation involves unsubstantiated facts, incomplete information or unsubstantiated conclusions, professional judgment should be used in determining the type of disclosure to be made, if any; and
 - c. The type of communication that is expected and the parties to whom it is addressed should be appropriate to recipients.

22. **Custody of Client Assets**

A member in **public / private practice** shall not assume custody of client monies or other assets unless permitted to do so by law and, if so, in compliance with any additional legal duties imposed on by the Society

23. **Protection of Association Assets**

A member shall **protect the Society's assets** such as **premises, furniture, office equipments, fittings, technology, systems, information or processes, strategies, business plans, operations and client relations**

24. **Use of Internet, Email and Electronic Media**

A member shall **not knowingly transmit view, print, retrieve, download or store communications of a discriminatory or damaging nature (such as computer viruses) threatening or harassing nature or any mail inappropriate for the business environment.**

25. **Alcohol and Substance Abuse**

A member shall **not consume alcoholic beverages in quantities that impair work performance or impair judgment during working hours.**

26. **Gambling**

A member shall not engage in activities that impair work performance

27. **Dress code**

A member of KSP shall be neat, well groomed and properly dressed particularly when discharging professional duties

28. **Political Associations**

As a professional body KSP shall remain politically neutral.

29. Enforcement of Ethical Standards

- (i) The KSP Disciplinary Committee shall be responsible for enforcement of this Code.
- (ii) At all times a member shall:
 - a. Respect the rights and dignity of all individuals;
 - b. Help all those who seek his/her professional service, without discrimination, fear or favour;
 - c. Give honest, competent and accountable professional service;
 - d. Recognise the extent and limitations of his/her professional expertise and undertake only those activities that are within his/her professional competence;
 - e. Hold in confidence all personal information entrusted to him/her, except where disclosure is in the best interest of his/her patient/client/colleague(s)/community;
 - f. At all times maintain the highest standard of professional competence and continually update and extend his/her professional knowledge and skills;
 - g. Contribute to the planning and development of services which enable individuals within the community to achieve optimum health; unless there is a proper reason to act otherwise in a particular instance.

Where a member fails to observe any of the above provisions or where a member has committed, whether directly or by agent, a breach of this Code appropriate action will be taken by the Disciplinary Committee.,

- (i) The Disciplinary Committee shall deal with the issue based on the facts presented to it. Penalties for misconduct will include but not limited to; reprimanding, suspension from practice and deregistration from the Society.
- (ii) Failure to follow the guidance given by this Code may not in itself constitute misconduct, but it means that the member concerned may be at risk of having to justify his or her actions to the KSP disciplinary organ or in answer to a complaint.
- (iii) KSP will at all times inquire into apparent failure by a member to observe the ethical requirements and may refer the matter to the KSP Disciplinary Committee.

30. Reporting/Complaint Procedures

Any breach of the provisions of this Code shall be reported to the Society in writing by either the client or member. The report shall specify the nature of the complaint, the dates and actual place where the incident took place. The complaint shall be logged upon receipt and issued with a number after which:

The Society shall write to the party (ies) involved within twenty one days on receipt of the report.

The Society shall carry out its own investigation after which it will call the disciplinary committee meeting/s and give recommendations on the issue.

31. Review

This Code shall be reviewed periodically as deemed appropriate by the KSP.

32. CONCLUSION

This code has made an attempt to address what is expected of physiotherapists practicing in Kenya. It is not meant to be punitive but rather to maintain high standards of physiotherapy service provision. While we do understand that the enforcement of this Code requires the commitment of all parties, it is hoped that all members will be sensitized accordingly regarding this Code for ease of implementation. It is the responsibility of KSP to advocate the ethical issues that are mentioned herein. All members of Kenya Society of Physiotherapists shall comply with applicable laws, rules and regulations measures as stipulated in the KSP constitution and code of conduct at all levels of health provision.

This document shall become effective from this day:

16th July 2009

Signed by:



Chairman Kenya Society of Physiotherapists

APPENDICES

APPENDIX 1

Format for report of gifts

(Form A)

Report of gifts received

To: (Approving Authority) _____

Description of Offer _____

Name and Title: _____

Company: _____

Relationship (Business/Personal) _____

Occasion on which the gift was/is to be received _____

Description & (assessed) value of gift _____

Suggested method of disposal

- o Retained by receiving staff
- o Retained for display/ as a souvenir in the office
- o Shared among the officers
- o Reserve as luck draw prize at staff function
- o Donate to charitable organization
- o Return to provider
- o Others (please specify)

Date

Name of receiving staff
Title/Department

Part B -Acknowledgment (to be completed by approving authority)

To (receiving staff) _____

The recommended method of disposal is *Approved/Not Approved

The gift(s) concerned should be disposed of by way of: _____

Date

Name of approving Authority
Title/Department

***Please delete as appropriate
(Form B)**

APPENDIX 2

Declaration of conflict of interest

Part A-Declaration (to be completed by member

To: (Approving Authority)

I would like to report the following **existing/potential*** conflict of interest situation arising during the discharge of my official duties:

Persons/companies with whom/which I have official dealings and/or personal interest

- 1
- 2
- 3

Brief description of my duties which involve the persons/companies mentioned above and these are the areas of real/possible conflict of interest.

- 1
- 2
- 3

Date

Name of declaring member
Title/Department

Part B-acknowledgment (to be completed by approving authority)

To: declaring member

The information contained in your declaration for.....is noted. It has been decided that:

You should refrain from performing or getting involved in performing the work/ participating in the deliberations regarding, as described in Part A, which may give rise to conflict of interest.

You should continue to handle the work/ participate in deliberations regarding..... as described in Part A, provided that there is no change in the information declared above.

Other conditions (please specify) -----

Date

**Name of approving authority
Title/Department**

